THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT APPEAL NO.1409 of 2005

30th August 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 16.02.2004 in W.P.NO.2364 OF 1994 on the file of the High Court.)

Between:

1. S.Vijaya Sena Reddy, S/o.Narasimha Reddy, 34 years, Bharath Abhyudaya High School, Ziaguda, Hyderabad.
2. C.Somasekhar Reddy, S/o.C.RamaKrishna Reddy, 41 years, Bharath Abhyudaya High School, Ziaguda, Hyderabad.

...PETITIONERS

AND

1. The Director of School Education, A.P., Hyderabad and four others.

...RESPONDENTS

THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT APPEAL NO.1409 of 2005

JUDGMENT: (Per the Hon'ble Mr Justice B.Prakash Rao)

Heard both the sides. At their request, the Writ Appeal itself is taken up for disposal.

The main grievance of the appellants/petitioners, who seek relief, is that they are aggrieved by the order 16.02.2004 of the learned Single Judge in W.P.No.2364 of 1994. In fact they did not make any challenge against the proceedings dated 27.10.1993, giving effect to the promotion in favour of the fourth respondent herein, who is junior to them. However, there was no prayer as such in the Writ Petition and hence, the Writ Petition was dismissed.

Admittedly, the appellants did not seek specific plea in the prayer challenging the correctness of the proceedings dated 27.10.1993 except seeking a bar declaring that they are seniors to the fourth respondent.

Considering the submissions made and on perusal of the material available on record, we do not find any justification except leaving it open to the appellants herein to file fresh proceedings in appropriate Writ Petition challenging the promotion in favour of the fourth respondent.

The Writ Appeal is accordingly dismissed.

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(B.PRAKASH RAO, J)

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(DR G.YETHIRAJULU, J)

30th August 2005

RRB

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